IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6343 OF 2005

Suraj @ Babasaheb Namdeo Waghmare ...Applicant
vs.
State of Maharashtra ...Respondent

Mr.Vipin Bidkar for the Applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 6,2005

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence registered is punishable under Sections 302, 324, 142, 143, 147, 148, 149 of the Indian Penal Code.

2. The learned Advocate for the Applicant submitted that the statement of the first informant and the statement of the other witnesses make only general allegation against the Applicant and other co-accused that with wooden logs they assaulted the deceased and the injured persons. He submitted that the first informant has not named the Applicant. He submitted that the charge sheet contains statements of accused persons. In the statement of accused No.1, it is stated that the other accused persons hatched the conspiracy and by an Indica car they went near the spot of incident. The Applicant was standing there. He submitted that the statement of other eye witnesses have been recorded three days after the incident. He submitted that the first informant has not stated about the presence of the other witnesses though they

are residents of the same locality. He, therefore, submitted that the Applicant cannot be attributed knowledge of the conspiracy and as no specific role has been ascribed to him, he deserves to be enlarged on bail. The learned A.P.P. has placed on record the statements of various witnesses recorded during the course of investigation and submitted that no case is made out for enlarging the Applicant on bail.

3. I have considered the submissions. Perusal of the P.M.Notes show that there are multiple contusions on different parts of the body. There is C.L.W. on lateral aspect of right elbow and the cause of death is injury to vital organs leading to Neuroferic and haemorrhagic shock.

4. The statements of eye witnesses Vinod and Nilesh clearly record that the Applicant along with other accused persons assaulted the deceased by wooden logs in their hands. Same is the statement of one Bhanudas. The injuries on the person of the deceased as reflected from the P.M.notes support the prosecution case of assault by wooden logs by the number of persons.

5. There is enough material on record to show the complicity of the Applicant in the offence. In my view, considering the material on record and brutal nature of crime, no case is made out for grant of bail. Accordingly application is rejected.

JUDGE